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Remarks

This Amendment is responsive to the Office Action of December 9, 2005.
Reexamination and reconsideration of claims 1-28 is respectfully requested.

Summary of The Office Action

Claims 12 and 14 were indicated to contain allowable subject matter and would be allowable if re-written in independent form.

Claim 19 was objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 1-3, 7-11, 17, 19, 21, 22 and 24-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,893,037 (Reele et al.) in view of US Pre-Grant Pub. 2001/0022618 (Ward et al.).

Claims 13 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of US Pre-Grant Pub. 2001/0022618 (Ward et al.) further in view of U.S. Patent No. 6,750,902 to Steinberg et al.

Claims 6 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of US Pre-Grant Publication 2001/0022618 (Ward et al.) further in view of U.S. Patent No. 6,167,469 (Safai et al.)

Claims 4, 5, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al., in view of U.S. Pre-Grant Pub. 2001/0022618 (Ward et al.) further in view of US 6,567,502 (Zellner et al.).

Claim 23 was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,893,037 to Reele et al. in view of U.S. Pre-Grant Pub. 2001/0022618 (Ward et al.) further in view of US 6,522,889 (Aarnio).

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The Present Amendment

Claim 19 has been amended to correct its dependency. Claim 19 now depends from claim 17. With the present amendment, the objection to claim 19 should now be overcome.

The Present Claims Patentably Distinguish Over the References of Record

Independent Claim 1

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Reele in view of Ward. The Office Action cites Ward as purportedly teaching the claimed transfer logic, which is then combined with Reele to reject claim 1.

In particular, the office action on page 5 cites Ward, [0015] lines 6-11 as teaching a transfer logic that causes digital images to be transmitted to a cellular device. This section states:

"Otherwise, if there is a request to send an image, the user ensures that the camera is connected to the appropriate service (wired telephone line, cellular phone, kiosk, etc.) and pushes a "send" button in the user button section 26, or selects a "send" menu option on the LCD 24." (Ward, [0015] lines 6-11)

It is easy to create meanings from the above sentence in an attempt to show the claimed transfer logic but those meanings are not supported in fact. Ward does not in fact teach a camera that uses a cellular phone to transmit images as in claim 1. Ward teaches that a camera can directly connect to an internet service using a modem or by being directly connected to a device like a PC or kiosk which has a modem (see Ward [0005], lines 6-9). The teachings of Ward are based on what one of ordinary skill would understand from reading Ward in its entirety, and not by one isolated sentence or paragraph.

No where does Ward teach or suggest that the digital camera transfers images to a cellular phone which is then caused to communicate with a network. Rather, Ward teaches that a digital camera can transmit images to an internet service provider (ISP) and repeatedly describes

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how a network configuration file is used to hold account names and passwords that allow the camera to connect and "log-in" to an internet service (see Ward, [0004], [0018] and Appendix I). The configuration file allows the camera to log-in to a variety of accounts. Paragraph [0015] lines 19-22, which was cited by the Office Action, also confirms this and thus fails to teach the limitation of transmitting connection instructions to the cellular device.

Regarding a cellular phone, Ward refers to "a built-in cellular phone modem" in paragraph [0005], "an internal communications interface 32 (e.g. modem)" that can connect to "an RF cellular phone network" in paragraph [0012], and "a cellular phone" in paragraph [0015]. Upon reading Ward, it is clear that these components are "internal" to the camera. Ward fails to teach or suggest anything to the contrary. Therefore, Ward fails to teach or suggest the claimed transfer logic that causes a radio frequency transceiver to transmit one or more selected digital images to a cellular device and to transmit connection instructions to the cellular device as recited in claim 1.

Ward is not concerned with having a camera communicate to and transmit instructions to a separate cellular phone, does not consider such a configuration, does not consider associated problems with such a configuration, and does not consider possible solutions for such a configuration. Therefore, Ward fails to teach or suggest a digital camera having the claimed transfer logic and thus fails to cure the shortcomings of Reele. As such the 103 rejection is not supported by the references and must be withdrawn.

Regarding Reele, Reele shows that the camera and cell phone can be coupled together as in the embodiments of Figures 2-4, or can be an integrated device as in the embodiment of Figure 5. Therefore, Reele also fails to teach or suggest the features of claim 1, individually or in combination with Ward. Since Ward fails to teach a transfer logic that transmits images and connection instructions to a separate device, modifying Reele with Ward still fails to teach all the elements of claim 1.

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Since claim 1 recites features not taught or suggested by the references, alone or in combination, claim 1 patentably distinguishes over the references. Accordingly, dependent claims 2-8 also patentably distinguish over the references and are in condition for allowance.

Independent Claim 10

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Reele in view of Ward on the same grounds as applied to claim 1. Based on the explanation of Ward and Reele above, the references fail to support the rejection.

As previously explained, Ward teaches a digital camera that may include an internal cellular interface or a built-in cellular phone modem. Thus, Ward teaches that the camera itself with its “internal” components transmits images to an internet service and does not use a proximity device as claimed. See the “internal communications interface 32” as taught by Ward in Figure 1 and paragraph [0012], line 9.

Therefore, Ward fails to teach or suggest establishing a radio frequency communication with a proximity device, fails to teach or suggest transmitting a selected digital image to the proximity device, and fails to teach or suggest transmitting transfer instructions to the proximity device causing the proximity device to establish wireless communication with a remote network as recited in claim 10.

As such, Ward fails to cure the shortcomings of Reele and the rejection is not supported by the combined references. Claim 10 thus patentably distinguishes over the references, alone or in combination with each other. Accordingly, dependent claims 11-16 also patentably and unobviously distinguish over the references and are in condition for allowance.

Additionally, based on the explanation of Ward, dependent claims 13 and 16 recite features that are not taught or suggested by the combination of Reele and Ward even when

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further combined with Steinberg. For this additional reason, dependent **claims 13 and 16** patentably distinguish over the references and are in condition for allowance.

Finally, for the reasons set forth above, dependent **claim 15** recites features that are not taught or suggested by the combination of Reele with Ward even when combined with U.S. Patent No. 6,167,469 to Safai. For this additional reason, dependent **claim 15** patentably distinguishes over the references and is in condition for allowance.

Independent Claim 17

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Reele in view of Ward on similar grounds as applied to claim 1. Based on the explanation of Ward above, the references fail to support the rejection. Ward fails to teach or suggest the claimed transfer logic and thus fails to cure the shortcomings of Reele. The digital camera of Ward does not operate and is not configured as the digital camera recited in claim 17. Applicant respectfully requests that claim 17 be reexamined in view of the present discussions of Ward, which show that the combination of Ward and Reele fails to form a *prima facie* obviousness rejection.

Since claim 17 recites features not taught or suggested by the references, alone or in combination, claim 17 patentably distinguishes over the references. Accordingly, dependent **claims 19-20** also patentably distinguish over the references and are in condition for allowance.

Independent Claim 21

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Reele in view of Ward on similar grounds as applied to claim 1. Based on the explanation of Ward above, Ward fails to teach or suggest the claimed transfer logic and thus fails to cure the shortcomings of Reele. The digital camera of Ward does not operate to transfer data files to a proximity device. Ward teaches that the camera itself with its “internal” components transmits

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images to an internet service and does not use a proximity device as claimed. See the "internal communications interface 32" as taught by Ward in Figure 1 and paragraph [0012], line 9.

Since claim 21 recites features not taught or suggested by the references, alone or in combination, claim 21 patentably distinguishes over the references. Accordingly, dependent claims 22-28 also patentably distinguish over the references and are in condition for allowance.

For similar reasons, dependent claim 23 recites features that are not taught or suggested by the combination of Reele and Ward even when combined with U.S. Patent No. 6,522,889 to Aarnio. Thus, dependent claim 23 patentably distinguishes over the references and is in condition for allowance.

Conclusion

For the reasons set forth above, **claims 1-17 and 19-28** patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

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